

Remarks

Applicants herein affirm the election to prosecute the invention of Group 1, claims 1-14. Applicants have cancelled the non-elected subject matter (W=C) per the suggestion of the Examiner. Applicants expressly reserve their right to file divisional applications and or continuation applications directed to the subject matter canceled in the instant amendment.

Claim Objections

The Examiner objected to Claim 2 because of spelling errors. Applicants have corrected the spelling of "naphtha" in Claim 2.

Objection to Specification

The Examiner requested that a definition for X be inserted into the abstract. Applicants have amended the abstract accordingly.

Claim Rejections

Rejections under 35 USC §102

The Examiner rejected Claims 6-7 under 35 USC §102(b). The Examiner asserts that these claims are anticipated by US6407076. Applicants have amended Claim 6 such that Q is no longer defined to be O. The '076 patent recites tetrahydrofuran compounds i.e. compounds wherein Q is O. Claim 7 is dependent on amended Claim 6. Applicants assert that this amendment is sufficient to overcome the rejection under 102(b). Note that Applicants have also deleted the proviso of Claim 6 since this proviso is only relevant for compounds wherein Q is O.

The Examiner also rejected Claims 1 and 2 under 35 USC §102(b) as being anticipated by US6407076. Applicants have amended Claim 1 such that Q is no longer defined to be O. The '076 patent recites tetrahydrofuran compounds i.e. compounds wherein Q is O. Note that Applicants have also deleted the proviso of Claim 1 since this proviso is only relevant for compounds wherein Q is O. Claim 2 is dependent on amended Claim 1. Applicants assert that this amendment is sufficient to overcome the rejection under 102(b).

The Examiner also rejected Claims 6-8 under 35 USC §102(b) as being anticipated by US6455510. Applicants have amended Claim 6 such that Q is no longer defined to be O. The '510 patent recites tetrahydrofuran compounds i.e. compounds wherein Q is O. Claims 7 and 8 are dependent on amended Claim 6. Applicants assert that this amendment is sufficient to overcome the rejection under 102(b).

The Examiner also rejected Claims 1 and 2 under 35 USC §102(b) as being anticipated by US6455510. Applicants have amended Claim 1 such that Q is no longer defined to be O. The '510 patent recites tetrahydrofuran compounds i.e. compounds wherein Q is O. Claim 2 is dependent on amended Claim 1. Applicants assert that this amendment is sufficient to overcome the rejection under 102(b).

Rejections under 35 USC §103

The Examiner rejected Claim 8 under 35 USC §103(a) as being unpatentable over US6407076. Applicants respectfully disagree with this rejection. The compound of the '076 patent (i.e. intermediate 19) is a tetrahydrofuran compound. All the species listed under Claim 8 are cyclopentane compounds. There is no teaching or suggestion in the '076 patent that the tetrahydrofuran compounds are equivalent to cyclopentane compounds. Applicants respectfully request that the rejection be withdrawn.

The Examiner rejected Claims 6-8 under 35 USC §103(a) as being unpatentable over US4755594. The compound of the '594 patent (i.e. Formula II) is a tetrahydrofuran compound. Applicants have amended Claim 6 such that the Q is no longer defined to be O. Claim 7 depends on amended Claim 6. All the species listed under Claim 8 are cyclopentane compounds. Applicants submit that that amendment of Claim 6 is sufficient to overcome the rejection.

The Examiner also rejected Claims 1-4, 6-7, 9-14 under 35 USC §103(a) as being unpatentable over WO99/24450. The compounds of the '450 patent are tetrahydrofuran compounds. Claims 1 and 6 have been amended such that Q is no longer defined as O. All the remaining claims depend from one of these amended claims. Applicants assert that this amendment is sufficient to overcome the rejection under 103(a).

Claim Rejections Under 35 USC §112

The Examiner rejected Claims 1-4, 6-7 and 9-14 under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner asserts that the term "pseudohalogen" is indefinite. Applicants have deleted this term and inserted therefore the terms "CN" and "N₃" for which the specification lends support. See page 14, line 31. Applicants submit that this amendment is sufficient to overcome the rejection under 112.

The Examiner rejected the use of the term "general formula". Applicants have deleted this term from Claim 1 and Claim 6.

The Examiner rejected the use of the term “functionalization” in the last line of Claim 13. Applicants have deleted the phrase “optionally followed by a functionalization of the thus obtained compound”.

The Examiner rejected the use of “Y-X” in the provisos. Applicants have deleted the provisos since the claims no longer read on compounds wherein Q is O. Therefore, this rejection is moot.

The Examiner asserts that the reference to C₁alkenyl in the X definition is wrong. Applicants have amended the definition of X such that alkenyl must be at least 2 carbons.

The Examiner also asserts that the last term in Claim 1 appears to be forbidden. Applicant has deleted this entire proviso therefore the rejection is moot.

The Examiner also rejected Claims 1-14 under 35 USC §112, first paragraph. The Examiner asserts that solvates and hydrates are not enabled. Applicant has deleted reference to “solvates” and “hydrates” in the rejected Claims.

The Examiner also rejected Claims 9 and 14 under 35 USC §112, first paragraph. The Examiner asserts that the specification is enabling for the first two and the last therapeutic uses however it does not reasonably provide enablement for the other three. Applicant has deleted the terms “metabolic syndrome”, “lipid disorders”, and “cardiovascular disease” from Claims 9 and 14. Applicants assert that this amendment is sufficient to overcome the pending rejection.

Conclusion

In view of the remarks contained herein, Applicants submit the application is in condition for allowance.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Barbara E. Kurys", is written over a horizontal line.

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